

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DR. ROBERT LEDERER,

Plaintiff,

v.

JOHN SNOW, INC. AND
THE JOHNS HOPKINS UNIVERSITY
CENTER FOR COMMUNICATION
PROGRAMS,

Defendants

CIVIL ACTION NO.
04-CV-10284-NG

JOHN SNOW, INC.'S MOTION TO DISMISS

Pursuant to Fed. R. Civ. P. 37(d), the defendant, John Snow, Inc., hereby joins co-defendant Johns Hopkins University/Center for Communication's Renewed Motion to Dismiss, based on plaintiff's failure to comply with appropriate discovery.

As established in Johns Hopkins' papers, plaintiff has refused to appear for his deposition despite this Court's order that "the plaintiff's deposition shall be completed by March 2, 2005." (*See* Scheduling Order dated January 31 2005). Plaintiff's initial abbreviated deposition session on December 2, 2004 was suspended by agreement of the parties because plaintiff was only available for three hours that day, and because he had not produced any documents prior to the session. Plaintiff's counsel agreed on the record that plaintiff would return for the completion of his deposition. (True copies of pertinent deposition excerpts are attached hereto as Exhibit A.) Plaintiff has failed to resume his

deposition despite his agreement to do so and in violation of this Court's Scheduling Order.

In light of the plaintiff's failure to provide dates for the completion of his deposition despite numerous attempts by counsel and the Court to seek compliance, the only appropriate sanction is the dismissal of the plaintiff's complaint.

WHEREFORE, the defendant, John Snow, Inc., prays that the complaint in the above-referenced action be dismissed with prejudice.

JOHN SNOW, INC.

By its attorney,

/s/ Andrew F. Caplan
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Dated: March 3, 2005